IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PATRICIA WEST,   )
)
            Plaintiff,   )
)
      v.   )   C.A. No. 05-561
)
LINCOLN BENEFIT LIFE COMPANY,   )   Chief Judge Ambrose
)   Magistrate Judge Hay
            Defendant.   )

ORDER

AND NOW, this 26th day of _____June_____, 2006, after the plaintiff,

Patricia West, filed an action in the above-captioned case, and after a Motion for Partial

Summary Judgment was filed by plaintiff, and a Motion for Summary Judgment was submitted

by the defendant, Lincoln Benefit Life Company, and after a Report and Recommendation was

filed by the United States Magistrate Judge granting the parties ten days after being served with a

copy to file written objections thereto, and upon consideration of the objections filed by plaintiff

and the response thereto filed by the defendant, and upon independent review of the motion and

the record, and upon consideration of the Magistrate Judge's Report and Recommendation,

which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the plaintiff's Motion for Partial Summary

Judgment [Docket No. 22] is DENIED and the defendant's Motion for Summary Judgment

[Docket No. 23] is GRANTED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules

of Appellate Procedure, if any party desires to appeal from this Order they must do so within

thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

DONETTA W. AMBROSE
Chief United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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